

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

XINUOS, INC.,

Plaintiff,

-against-

INTERNATIONAL BUSINESS MACHINES
CORP. and RED HAT, INC.,

Defendants.

Case No. 7:22-cv-09777-CS

**NOTICE OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON
PLAINTIFF'S COPYRIGHT CLAIM**

PLEASE TAKE NOTICE that, upon Xinuos, Inc.'s ("Plaintiff") Complaint (the "Complaint") filed March 31, 2021 (ECF No. 1); the Memorandum of Law in Support of International Business Machines Corporation's ("IBM") and Red Hat, Inc.'s ("Red Hat") (collectively, "Defendants") Motion for Partial Summary Judgment on Plaintiff's Copyright Claim; Defendants' Local Civil Rule 56.1 Statement of Facts; and the Declaration of Emma Kolesar and exhibits thereto; Defendants hereby move this Court before the Honorable Cathy Seibel, United States District Court, Southern District of New York, Courtroom 621, 300 Quarropas Street, White Plains, NY, for an order, pursuant to Federal Rule of Civil Procedure 56(a), for partial summary judgment in favor of Defendants dismissing with prejudice Plaintiff's copyright claim (*i.e.*, Count I), and granting such other and further relief as the Court deems just and proper.

DATED: January 27, 2023

Respectfully submitted,

/s/ David R. Marriott

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